IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15010 of 2005

Between:

Mr. K. Shankar Reddy, S/o. Sri K. Dasi Reddy,
r/o. East Gudur Village, Gudur Mandal, Nellore District,
rep by its GPA Holder V. Sesha Reddy

..... PETITIONER

AND

1 The Revenue Divisional Officer, Gutur, Nellore District.
2 The Deputy Commissioner, Endowments Department, Nellore District.
3 The Person in Charge, Sri Mulasthaneswara Swamy Temple,
Gudur, Nellore District.
4 The District Collector, Nellore District, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction, writ, more so in the nature of Writ of Mandamus, declaring the notification issued under proceedings Rc.No. G2-3003/2003 dated 20-8-2003 issued Section 4(1) of the Land Acquisition Act, 1894 and proceedings bearing RC.No. G2/2003/2003 dated 18-11-2003 issued under Section 6 of the Land Acquisition Act, 1894 as illegal, arbitrary and violative of guidelines issued by the Government of Andhra Pradesh from time to time and Article 14 and 19 of constitution of India and consequently set aside the said proceedings and direct the respondents not to interfere with the possession of the petitioner over 1 acre 60 cents of land in Survey No. 655 of East Gudur Village, Gudur Mandal, Nellore District and pass such other order or orders as this Honourable court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: M/S.RPN ASSOCIATES

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner filed the present writ petition seeking to declare the notification in RC.No.G2-3003/2003 dated 20-08-2003 issued under Section 4(1) of the Land Acquisition Act,1894 and proceedings bearing RC No.G2/3003/2003 dated 18-11-2003 issued under Section 6 of the Land Acquisition Act,1894 as illegal and arbitrary and to set aside the same.

The petitioner is the cultivating tenant of the lands belonging to the 3rd respondent-Mulastaneswara Swamy Temple, Gudur, Nellore District to an extent of Ac.1.60 cents in Sy.No.655, Ac.0.36 cents in Sy.No.648, Ac.0.56 cents in Sy.No.677 and Ac.0.31 cents in Sy.No.692 of East Gudur, Nellore District. Further, it is the case of the petitioner that he made an application to the 2nd Respondent-Deputy Commissioner of Endowments claiming the status and the consequent benefits of a landless poor person under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions, Endowments Act,1987. Even before determination of the petitioner's status on his application above, the 1st respondent issued a notice under Section 9(3) and 10 of the Land Acquisition Act,1894 to the 3rd respondent, calling upon the 3rd respondent to handover the possession of the lease lands for the purpose of house sites for weaker sections and poor persons. Later he came to know that the 4th respondent had already published the notifications under Sections 4 and 6 of the Land Acquisition Act and that his representation for determination of his status as land less poor person was not considered by the 2nd respondent, is the main grievance in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

As could be seen from the averments in the writ petition and having heard the learned counsel on both sides, there is no evidence placed by the petitioner to show that he is cultivating tenant of the lands in question and moreover the notification under Section 4(1) of the Land Acquisition Act was issued as early as on 20-08-2003. But the petitioner without assailing the correctness of the notification issued

Under Section4 (1) of the Land Acquisition Act, preferred the present writ petition.

Therefore, I do not see any reasons to allow the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. In the circumstances there shall be no order as to costs.

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ELIPE DHARMA RAO,J

12TH JULY 2005

*TSNR

To

1 The Revenue Divisional Officer, Gutur, Nellore District.
2 The Deputy Commissioner, Endowments Department, Nellore District.
3 The Person in Charge, Sri Mulasthaneswara Swamy Temple, Gudur, Nellore District.
4 The District Collector, Nellore District, Nellore.

5. Two CCS to G.P for Endowments, High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.